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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,820	12/09/2003	Guillermo Guzman	H2O1493-008	4366
8698	7590	05/17/2006	EXAMINER	
STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			KIM, YOON YOUNG	
			ART UNIT	PAPER NUMBER
			1723	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/731,820	Applicant(s) GUZMAN ET AL.	
	Examiner Yoon-Young Kim	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is response to the Amendment filed on February 28, 2006.

Claim Analysis

1. It is unclear whether or not the "water filter cartridge" disclosed in the claims is the "water filter cartridge" referenced as 18. For the purposes of examination it is assumed that the "water filter cartridge" is the "water filter cartridge" 18.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-5, 8-14, 16-18, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farley, U.S. Patent No. 6,325,930 B2.

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Regarding Claim 1, Farley discloses a water filter, comprising: a body portion (#22, 24) having an opening; a face portion (#56), the face portion and body portion enclosing the water filter cartridge (#38); a pivotable element (#16) operatively connected to a threaded inlet (#12) for accepting water, and wherein the threaded inlet is adapted to be attached to a water pipe; wherein the threaded inlet is positioned outside the body portion when the water filter cartridge resides in the body portion (Fig. 2). However, Farley does not disclose that the water filter cartridge is attachable to the pivotable element. Farley teaches a baffle element (#34) that holds an annular sealing element (#30) against the pivotable element and cooperates with the wall (#36) of the filter cartridge (Col. 2, Lines 52-58). The use of a one piece construction instead of the structure disclosed would be merely a matter of obvious engineering choice. In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). It would have been obvious to one of ordinary skill in the art to make the baffle element integral with the filter cartridge in order to simplify the assembly and save manufacturing costs. The unitary filter cartridge and baffle element would be attached to the pivotable element in the fully assembled showerhead.

Regarding Claim 2, Farley discloses that the face portion is comprised of a plurality of exit openings for passing water out of the water filter (Col. 3, Lines 31-36).

Regarding Claim 3, Farley discloses that the body portion and face portion are adapted with matching threads (#26, 28) allowing the body portion and the face portion to be releasably coupled together to form a showerhead.

Regarding Claim 4, Farley discloses that the water filter cartridge is adapted with at least one opening (#44) for accepting water into the water filter cartridge and wherein the pivotable element is comprised of at least one opening for allowing water to exit into the at least one opening in the water filter cartridge (Fig. 2).

Regarding Claim 5, Farley discloses that the water filter cartridge is further comprised of a recess (#42) for accepting a pivotable element and wherein the recess is adapted with a sealing ring for preventing water leakage (#30).

Regarding Claim 8, Farley discloses that the water filter cartridge is comprised of an exit end having at least one opening (#48) for allowing water to exit the water filter cartridge.

Regarding Claim 9, Farley discloses that that the body portion and face portion are adapted with matching threads allowing the body portion and the face portion to be releasably coupled together to form a showerhead (Fig. 2) and wherein the face portion is comprised of a plurality of exit openings for passing water out of the water filter (Col. 3, Lines 31-36).

Regarding Claim 10, Farley discloses that the exit end of the water filter cartridge is releasably connected to the face portion and wherein the water exiting the exit end of the water filter flows out of the plurality of exit openings in the face portion (Fig. 2).

Regarding Claims 11-12, Farley discloses that the water filter cartridge is disposable after removing the water filter cartridge from the body portion and after removing the pivotable element from the recess (Col. 3, Line 61 - Col. 4, Line 2).

Regarding Claim 13, Farley discloses that the pivotable element is a ball joint (#16).

Regarding Claim 14, Farley discloses a showerhead water filter, comprising: a body portion (#22, 24) having an opening; a face portion (#56) releasably coupled to the body portion, wherein the face portion is comprised of a plurality of exit openings for passing water out of the water filter (Col. 3, Lines 31-36), and wherein the face portion and body portion are coupled to form a showerhead; a water filter cartridge (#38) adapted to reside in the body portion; and a pivotable element (#16) operatively connected to a threaded inlet (#12) for accepting water, and wherein the threaded inlet is adapted to be attached to a water pipe. However, Farley does not disclose that the water filter cartridge is attachable to the pivotable element. Farley teaches a

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baffle element (#34) that holds an annular sealing element (#30) against the pivotable element and cooperates with the wall (#36) of the filter cartridge (Col. 2, Lines 52-58). The use of a one piece construction instead of the structure disclosed would be merely a matter of obvious engineering choice. In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). It would have been obvious to one of ordinary skill in the art to make the baffle element integral with the filter cartridge in order to simplify the assembly and save manufacturing costs. The unitary filter cartridge and baffle element would be attached to the pivotable element in the fully assembled showerhead.

Regarding Claim 16, Farley discloses that the threaded inlet is positioned outside the body portion when the water filter cartridge resides in the body portion (Fig. 2).

Regarding Claim 17, Farley discloses that the water filter cartridge is held completely within the body portion (Fig. 2).

Regarding Claim 18, Farley discloses that the body portion comprises about 80 percent of the axial length of the showerhead and wherein the face portion comprises approximately 20 percent of the axial length of the showerhead (Fig. 2).

Regarding Claim 21, Farley discloses a water filter, comprising: a body portion (#22, 24) having an opening; a water filter cartridge (#38) adapted to reside in the body portion; a pivotable element (#16) wherein a portion of the pivotable element is adapted to protrude through the opening in the body portion to attach to a water pipe or tube (#12), wherein the pivotable element is hollow; a face portion having a plurality of exit openings for passing water out of the water filter (Col. 3, Lines 31-36). However, Farley does not disclose that the water filter cartridge is attachable to the pivotable element. Farley teaches a baffle element (#34) that holds an annular sealing element (#30) against the pivotable element and cooperates with the wall (#36) of the filter cartridge (Col. 2, Lines 52-58). The use of a one piece construction

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instead of the structure disclosed would be merely a matter of obvious engineering choice. In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). It would have been obvious to one of ordinary skill in the art to make the baffle element integral with the filter cartridge in order to simplify the assembly and save manufacturing costs. The unitary filter cartridge and baffle element would be attached to the pivotable element in the fully assembled showerhead.

Regarding Claim 22, Farley discloses that the face portion (#56) is releasably coupled to the body portion, wherein the face portion is comprised of a plurality of exit openings for passing water out of the water filter (Col. 3, Lines 31-36), and wherein the face portion and body portion are coupled to form a showerhead.

4. Claims 6-7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farley in view of Amdahl, U.S. Patent No. 5,653,548.

Regarding Claims 6-7 and 15, Farley discloses a recess (#42) accepting the pivotable element but does not disclose flexible side portions retaining the pivotable element. Amdahl discloses an annular opening (#120) formed in part by a plurality of flexible side portions (#320) that releasably retain a pivotable element. It would have been obvious to one of ordinary skill in the art to modify Farley with the element of Amdahl because it is a common ball and socket joint structure which provides a tight fitting joint (Col. 1, Lines 5-12).

5. Claims 19-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farley in view of Fienhold et al., U.S. Patent No. 4,190,207.

Regarding Claim 19-20, Farley discloses openings (#44, 48) for allowing water passage through the filter cartridge but does not disclose openings located below the pivotable element. Fienhold teaches a showerhead comprising a plurality of openings (#119) located below the

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pivotable element. It would have been obvious to one of ordinary skill in the art to modify Farley with the element of Fienhold because it is a structure common in swivel ball fittings of showerhead. Further, one of skill in the art would by routine experimentation find the optimum size of the openings. It would have been obvious to one of skill in the art to make the openings of Farley in view of Fienhold as so desired or required, including as claimed to optimize filtration.

Regarding Claim 23, Farley discloses that the threaded inlet portion lies outside the body portion and is operatively attached to a water pipe (Col. 2, Lines 29-35) but does not disclose a releasably coupled pivotable element. Fienhold discloses a showerhead comprising a releasably coupled pivotable element (Fig. 3). It would have been obvious to one of ordinary skill in the art to modify Farley with the element of Fienhold because they are both pivotable showerheads.

Response to Arguments

6. Applicant's arguments with respect to Claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Although Farley does not disclose that the water filter cartridge is attachable to the pivotable element, the use of a one piece construction instead of the structure disclosed would be merely a matter of obvious engineering choice. In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). It would have been obvious to one of ordinary skill in the art to make the baffle element integral with the filter cartridge in order to simplify the assembly and save manufacturing costs. The unitary filter cartridge and baffle element would be attached to the pivotable element in the fully assembled showerhead.

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Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yoon-Young Kim whose telephone number is (571) 272-2240. The examiner can normally be reached on 8:30-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YK
05/12/06


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